



U.S. Department of Energy
DIRECTIVES

User: DoxAdmin - DOE-Directives Administrator - Comments Report

Document type: DOE-Directives

Document: DOE O 331.1D, Employee Performance and Recognition Program, Review and Comment

Overall Comments

Major comment from Dave Jensen for Bonneville Power Administration

BPA appreciates the opportunity to comment on DOE Draft Order 331.1D, Employee Performance and Recognition Program. BPA's equivalency is BPA HR Directives 007, *Performance Management* and BPA HR Directive 008, *Employee Recognition & Awards*. These BPA HR directives are consistent with the provisions of DOE Order 331.1C, with a few exceptions. Section 4a(1) does not allow for the establishment of different rating cycles for non-supervisory employees, supervisors and managers. The difference in cycles is a long-standing past practice for the BPA workforce, and changing it would create unnecessary confusion and disruption. Much of BPA's work aligns with the outdoor construction season in the Pacific Northwest. This construction season generally occurs in April through October although the season is sometimes longer. In order to take advantage of weather, BPA's traditional performance period aligns with the off cycle of construction. The Order also prohibits, in section 4d(5)(a)1, the award of a Quality Step Increase and Within Grade Increase in the same rating cycle. BPA employees had not previously been subject to that prohibition, and the prohibition is not founded in Federal personnel law or government-wide regulation. Through the Order review process as part of the "Get Well" plan, DOE's Office of Human Capital Management concurred with exempting these two provisions with the establishment of BPA HR Directive 007 as an equivalent guidance document. However, instead of exempting section 4d(5)(a)1, all of section 4d should be exempt. Section 4d, *Performance Awards*, provides for a "share value" system for determining annual performance awards. BPA uses a "percentage of salary" system for determining awards. While both methods are based on establishing pay pools, there is a considerable difference between the two calculation methods. Changing the method would require unnecessary confusion and disruption in union negotiating, supervisory training, and change management activities with very little, if any, return for the time investment. BPA HR Directive 008 provides a statutorily compliant equivalency. Again, thank you for the opportunity to comment on Draft DOE O 331.1D.

Response:

Reject

Please review the directive again:

4.a.(2)(3)

(2) The normal annual appraisal period for Non-BPA General Schedule (GS), employees and BPA hourly non-management negotiated pay (BB), hourly leader negotiated pay (BL), and hourly supervisory negotiated pay (BS) employees in which a performance plan must be established, performance must be monitored, and a rating of record must be prepared is: October 1 through September 30 of the subsequent calendar year. For exceptions, see paragraphs 4.c.(9)-(19).

(3) The annual appraisal period for BPA GS, BB, BL, and BS employees in which a performance plan must be established, performance must be monitored, and a rating of record must be prepared is: November 1 through October 31 of the subsequent calendar year. For exceptions, see paragraphs 4.c.(9)-(19).

This requirement that prohibited an employee from receiving Quality Step Increase and Within Grade Increase in the same rating cycle was deleted from the order in November 2014. BPA implemented the DOE awards program in FY15. Contact your HR office if you have questions on the above

changes.

Major comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

- When is this Order expected to become effective? During FY15 or at the start of FY16?
- Will HC issue any type of training or FAQ documents to help educate Rating and Reviewing Officials?
 - How does this affect the current online training about Performance Management and will offices need to retake it?
- When will ePerformance be updated to accommodate the changes (e.g. removing NI as a rating option or not having Contributing Factors)?
- Will a new Desk Reference be issued at the same time as the updated Order?
- Has the Union seen this? Since there are some big changes such as removing the "NI" Needs Improvement rating option which affects: how the summary rating and shares are determined; PAPs no longer exist.

Response:

Reject

The Order is expected to be effective FY16. "Train the trainer" sessions will be provided to the performance management liaisons (PML); each organization is responsible for ensuring employees (including supervisors) within their organization receive performance management training. The on-line training and ePerformance will be revised to accommodate all the changes made to the order. A new Desk Reference will be updated issued along with the new order.

Orders/policies are developed in the best interest and for the efficiency of the Department, they are not developed to meet the requirements of a specific CBA. This order was reviewed by the Labor Management Forum members and union representatives twice. Local labor obligations will be met when required and the doctrine of order of precedence would apply where there is a conflict between the CBA provision and the policy.

Suggested comment from Felicia Jones for Headquarters IG

No Comment

Suggested comment from Emily Jackson for Headquarters LM

No Comment

Major comment from Emily Mishoe for Headquarters NA

Included comments:

Henry Van Dyke for NA-General Counsel

Much of this draft does not address the Demo Project system within NNSA, nor does it recognize sufficiently the Administration specific policy adopted within NNSA for employee performance and recognition.

Response:

Accept

Following language added:

3c(2)(a) National Nuclear Security Administration (NNSA) employees are exempt as stated in DOE Exemption Memorandum dated, 5/13/2010;

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

Derek LaHouse for NA-Management and Budget

Although NNSA is exempt from the majority of this directive, except as stated in DOE Exemption Memorandum dated, 5/13/2010, we have provided suggested comments.

Response:

Accept with Modifications

Following language added:

3c(2)(a) National Nuclear Security Administration (NNSA) employees are exempt as stated in DOE Exemption Memorandum dated, 5/13/2010;

Sandee Greene for Savannah River Field Office

Note in the Order there is a different performance management system for NNSA. Suggest a link or reference to the NNSA Performance Management and Performance Pay Manual.

Response:

Accept with Modifications

National Nuclear Security Administration (NNSA) employees have been identified as exempt for this Order. Will request a NNSA link be added to the HC website instead of putting it in the Order.

SME lloyd.deserisy@nnsa.doe.gov

Consideration should be given up front to acknowledgement of NNSA's Demonstration Project, now over seven years old. Requirements, terminology, and tools different substantially from the DOE order.

Response:

Accept

Following language added:

3c(2)(a) National Nuclear Security Administration (NNSA) employees are exempt as stated in DOE Exemption Memorandum dated, 5/13/2010;

Suggested comment from PK Niyogi for Headquarters NE

Included comments:

Christie Melbihess for Idaho National Laboratory - NE

This Directive does not apply to us as a DOE Contractor.

Response:

Reject

See section 3.b.

Major comment from Cecelia Kenney for Headquarters AU

This package represents the official, consolidated comments of **Stephen A. Kirchhoff, Deputy Associate Under Secretary for Environment, Health, Safety and Security**

Some of the changes they are proposing to update this Order can't be done without bargaining with the NTEU, such as - Removal of the Needs Improvement (NI) category and removal of one of the progress reviews. Two progress reviews are required in the current CBA and also in the GEAR program, therefore without bargaining you still have to do two progress reviews. This Order needs to be revised to reflect the CBA or the CBA needs to be re-negotiated in concert with this Order.

AU-70

Response:

Reject

Orders/policies are developed in the best interest and for the efficiency of the Department, they are not developed to meet the requirements of a specific CBA (DOE has 13 CBA's, many with their own provisions on any given topic. Local labor obligations will be met when required and the doctrine of order of precedence would apply where there is a conflict between the CBA provision and the policy.

Suggested comment from Loretta Robinson for Headquarters HC

This package represents the official, consolidated comments of **N/A - Comment package automatically submitted.**
No Comment

Suggested comment from John Wall for Headquarters CF

This package represents the official, consolidated comments of **N/A - Comment package automatically submitted.**
No Comment

1-3. PURPOSE; CANCELLATION; APPLICABILITY

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

Since section 3(c) outlines Exemptions, can this "Purpose" section state who this does apply to versus "does not apply to"?

Response:

Reject

Section 3(b) identifies who the directive does not apply to and 3(c) identifies who is exempt from the directive.

Major comment from PK Niyogi for Headquarters NE

Included comments:

SME gallegra@id.doe.gov

The overall fairness and quality of the process mostly contributes to overall mission success, but small or individual instances of failures in the process hurt and even destroy morale. If this Order is to really accomplish its purpose most effectively this order needs to focus on managerial accountability to the requirements by requiring proof of adherence to the requirements. This is easily accomplished as employees point out noncompliance to HR, it be corrected to the Order spirit & intent and it should not be held against the employees and they should not be retaliated against either.

Many employees are negatively affected by the individual failures that management refuses to fix when it comes to performance appraisals. Loss of trust and respect reduce mission performance and cause unnecessary employee turnover.

Response:

Reject

Each supervisory plan contains a supervisory critical that is used to hold supervisors accountable for managing the performance management program for their subordinates in accordance with the Order.

The HC Office conducts accountability audits to evaluate whether Departmental elements are administering the performance management program in accordance with Order. When deficiencies are found, management is informed and the Departmental element is given a timeframe to correct the finding.

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME ruth.latulippe@nnsa.doe.gov

This order doesn't apply to NNSA since the NNSA has its own performance management and recognition programs.

Response:

Accept

Order revised to exempt NNSA

Henry Van Dyke for NA-General Counsel

In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 USC sections 2406 and 2511 and to ensure consistency through the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this directive for activities under the Director's cognizance, as deemed appropriate.

This language should be considered an equivalency under 3.c., not in the applicability section.

Response:

Accept

This section will be moved to equivalencies under 3.c.

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

Since this section outlines exemptions, can the “Purpose” section state who this does apply to versus “does not apply to”?

Response:

Reject

Major comment from Jennifer Kelley for Headquarters SC

Paragraph 3c. This paragraph should read "Equivalencies and Exemptions to DOE O 331.1D". The correct version should be referenced in the Order.

Response:

Accept

Change made.

Suggested comment from Cecelia Kenney for Headquarters AU

It seems that the underlined title of this paragraph should refer to DOE O 331.1D instead of DOE O 331.1C.
AU-20

Response:

Accept

Change made.

4. REQUIREMENTS

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

In section 2: "The normal annual appraisal period for Non-BPA General Schedule (GS), hourly non-management negotiated pay (BB), hourly leader negotiated pay (BL), and hourly supervisory negotiated pay (BS) employees"

This is a bit confusing if it is meant to address all non-BPA employees. Also, it does not reference EJs. Can it simply say “for Non-BPA employees”?

Response:

Accept with Modifications

The November 1 - October 31 annual appraisal period only applies to BPA GS, BB, BL and BS employees. It does not apply to EJs, or managers and supervisors.

The language was moved to 3d.2.(c)

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME lloyd.deserisy@nnsa.doe.gov

4.a.(1) NNSA uses PAMS not ePerformance for all but SES employees.

Response:*Accept*

NNSA is "exempt" has been added to this Order.

SME anna.valdez@nnsa.doe.gov

4.a.(1): Remove (ePerformance) in case a new automated system is used in the future.

Response:*Reject*

This statement was included to eliminate the use of manual performance plans. The directive will be updated, should DOE switch to another automated system.

SME anna.valdez@nnsa.doe.gov

Please clarify if this is 90 days from the effective date of the action or the date the employee signs the new plan.

Response:*Reject*

4a(2):The minimum appraisal period is 90 days from the effective date that the employee is assigned, detailed, or temporarily promoted to a position.

SME anna.valdez@nnsa.doe.gov

4.a.(2): Need to clarify whether all competitive service and excepted service employees in pay bands other than GS are covered by this paragraph (e.g., EJ/EK pay plan employees.

Response:*Accept*

All excepted service employees will be added to this section.

Suggested comment from Sara Frey for Western Area Power Administration

4.a.(2) & (3) Cross reference to “For exceptions, see paragraphs 4.c.(7) (12)” needs at least a hyphen, and probably needs to be changed to 4.c.(10)-(14).

Response:*Accept with Modifications*

Hyphen will be added

Suggested comment from Kris McFail for Headquarters OE**Included comments:****SME Theresa.BrownShute@Hq.Doe.Gov**

From item #6: "For example, the employee's appraisal period begins on October 1, 2015, the employee is detailed to another position on July 21, 2016; the employee will receive their rating of record based on their performance in the permanent position from October 1, 2015 through July 20, 2016. The employee's next appraisal period will begin on July 21, 2016 and end on September 30, 2017."

Does this change the current guidance we use for processing Advisory Plans? Or can the example include the length of the detail (e.g. 'employee is detailed to a 90 day detail on July 21')?

Per the last sentence: is new Annual Rating of Record is started, instead of an Advisory Plan?

The current process is to place an employee's Annual Plan on hold, create an active Advisory Plan for the detail and then apply any feedback from the Advisory Plan to the employee's Annual Rating at the close of the year. Is this new guidance saying that an employee who starts a detail July 21 should have his/her annual rating of record closed out at that time? This would only apply to a detail of 90 days or longer, correct? What if the detail in the example is over by August 30th?

Response:
Reject

This is not new guidance, see DOE O 331.1C chg3 section 4.a.(2). Sample was added for clarity. There is no action required (e.g., advisory rating issued) unless the assignment (e.g., detail) is for 90 days or more.

Suggested comment from Kris McFail for Headquarters OE**Included comments:****SME Theresa.BrownShute@Hq.Doe.Gov**

Per the first sentence of item #8: are we done with the GEAR pilot and no longer required to hold two progress reviews? What about the CBA calling for two progress reviews?

Response:
Reject

The GEAR pilot is over. This directive sets requirements that are to be used Department-wide. If your organization has a CBA, you must follow the CBA.

Suggested comment from Bill Schwartz for Headquarters HG

In (12), we suggest adding the word "current" before the word "rating"

Response:
Accept**Suggested comment from Emily Mishoe for Headquarters NA**

There is no requirement that a Reviewing or Rating Official occupy his/her position for a specific length of time before he/she can create a performance plan, conduct a progress review or issue a performance rating; however the minimum appraisal period required for an employee to receive a performance rating is 90 days, including when under more than one supervisor during the rating period

Response:
Accept with Modifications

"however the minimum appraisal period required for an employee to receive a performance rating is 90 days, including when under more than one supervisor during the rating period" will be added to 4.a.(4).

Included comments:**SME anna.valdez@nnsa.doe.gov**

4.a.(12): If the reconsideration process will be the same for all elements, recommend adding a section on the reconsideration process and placing the obligation on the Rating Official to inform employees of the process during the performance discussion. There are usually limited time frames in which a reconsideration or rating appeal can be made.

If Elements may determine what type of reconsideration process, recommend changing wording to: An employee must contact his/her servicing Human Resources Office for element-specific procedures to request reconsideration of his/her rating of record.

Response:
Reject**Major comment from PK Niyogi for Headquarters NE****Included comments:****SME alexanfo@id.doe.gov**

Number 7 doesn't make sense since a Reviewer or Rating Official could not possibly rate anyone if they were only in their position say for one month. Minimum should be one year since training is provided every 2 years on the "process".

Response:

Reject

There is no regulatory requirement that a rating official occupy his/her position for a minimum period before rendering a rating. In cases where there are 90 days or less remaining in the appraisal period and the departing supervisors did not prepare the rating prior to departing, he/she should provide sufficient information for the acting or new rating official to prepare the annual ratings. In addition, 4.c(5) allows the reviewing official to rate an employee if there is no designated acting rating official. This has been DOE's practice for at least the past 7 years.

SME gallegra@id.doe.gov

No. 7. is an excuse for a management who fail to do thier job and clearly is meant to allow for errors by management. Clearly a supervisor who is new to job or inexperienced can not fairly rate a Subject Matter Expert (SME) on work in thier area of expertise. Subjective ratings are a guarantee if this is allowed to be approved and the requirement is to be able to objectively measure an employees performance.

Response:

Reject

There is no regulatory requirement that a rating official occupy his/her position for a minimum period before rendering a rating. In cases where there are 90 days or less remaining in the appraisal period and the departing supervisors did not prepare the rating prior to departing, he/she should provide sufficient information for the acting or new rating official to prepare the annual ratings. In addition, 4.c(5) allows the reviewing official to rate an employee if there is no designated acting rating official. This has been DOE's practice for at least the past 7 years.

SME gallegra@id.doe.gov

No. 9 is meaningless as there is no method to evaluate or ensure this occurs in all levels of management. It should be a specific element or subelement of all supervisors and managers critical element and be tied to things like EVS.

It should be under the title of hopes and dreams as written.

Response:

Reject

This element is evaluated during the Human Capital Management Accountability Program audits.

SME gallegra@id.doe.gov

No. 12 My HR Office does not have a procedure as stated.

Even if you prove management wrong they still don't have to correct the rating of record. The employee should be allowed to contest the rating to a higher level outside the office if they believe management has failed to meet their duty and management has also failed to provide a written explanation to support the challenged rating of record. Reconsideration fails because management is not held accountable when a rating is challenged as they just ignore it as desired.

Response:

Reject

This must be isolated to ID, as other Departmental elements have specific procedure that must be followed.

Major comment from Cecelia Kenney for Headquarters AU

"Each covered employee must have at least one progress review conducted..." - this is not consistent with CBA and GEAR
AU-70

Response:

Reject

The GEAR pilot has concluded.

Orders/policies are developed in the best interest and for the efficiency of the Department, they are not developed to meet the requirements of a specific CBA (DOE has 13 CBA's, many with their own provisions on any given topic). Local labor obligations will be met when required and the doctrine of order of precedence would apply where there is a conflict between the CBA provision and the policy. Management is to work with their local labor relations officer when

there is a labor issue.

While training on the performance process is required for employees and supervisors, nothing in this Order delineates what elements are required to be included in the training. Recommend adding a requirements paragraph to call this out (similar to how E.O. 13526 and DOE O 475.2B do this for their required classification training). Some suggested elements for inclusion are as follows: what constitutes an element that is written at the "Meets Expectations" level with specific examples, how a critical element is written to ensure that it is not just details of a tasking, specific examples of performance that would fall into each potential rating level, and how a detail works (particularly with respect to how the work done on a detail is evaluated and how it factors into the overall performance rating). Recommend asking employees for input on what information would help them better understand the process (particularly since it has changed a number of times in the last few years).

AU-60

Response:

Reject

3a. States that this directive applies to all Departmental elements except for exemptions in paragraph 3.c. Each phase of the performance process and how to develop results focused critical elements with credible measures are included in the mandatory performance management OLC course as well as performance management desk reference. There is not one specific method for how to consider an advisory rating when evaluating an employee's overall rating for the appraisal period. Therefore, Departmental elements have the flexibility to make this decision. For the past 5 years, each Departmental element's Performance Management Liaison has been asked more than once for information/scenarios to be added to the desk reference in an attempt to provide the DOE workforce with a comprehensive document to assist them in understanding the performance management process.

Given the Department's increased focus on communicating information to employees and ensuring transparency, employees shouldn't have to individually contact the servicing Human Resources Office to obtain information on requesting reconsideration of the rating of record. This process should be transparent to the employee, and the information should be readily available. Perhaps, the procedure could be posted on each Element's website, if it's not the same for all elements? If the procedure is the same for all elements, then it could just be posted in EPerformance along with other information on using the performance system, posted to the Human Capital website, or added as an appendix to 331.1D.

Response:

Reject

There are 13 Collective Bargaining Agreements throughout DOE. Therefore, employees must contact their servicing Human Resources Office to obtain information on requesting reconsideration of the rating of record as the process may vary among locations. The majority of the Departmental elements do have this information posted on their websites. If yours does not, you should contact your local Employee Relations Office and recommendation this information be added.

Suggested comment from Sara Frey for Western Area Power Administration

4.a.(10) Consider changing "will" to "must" for clarity

Response:

Reject

Major comment from Sharon Edge-Harley for Headquarters EA (Enterprise Assessment)

SME Felecia.Briggs@hq.doe.gov wrote:

The current ePerformance system and the DOE/NTEU Bargaining Agreement both require 2 progress reviews will be conducted. The 2 progress reviews were required when the GEAR Pilot (performance-based culture) was established under Secretary Chu and it has ended.

On Page 3, 4.a.(8) it states that "Each covered employee must have at least one progress review

conducted during the appraisal period." I'm sure others will pick this up and if they are changing from 2 to 1 reviews, I would assume that would have to be bargained with the NTEU.

Response:

Reject

The GEAR pilot has concluded.

Orders/policies are developed in the best interest and for the efficiency of the Department, they are not developed to meet the requirements of a specific CBA (DOE has 13 CBA's, many with their own provisions on any given topic).

Local labor obligations will be met when required and the doctrine of order of precedence would apply where there is a conflict between the CBA provision and the policy. Management is to work with their local labor relations officer when there is a labor issue.

Major comment from PK Niyogi for Headquarters NE

Included comments:

SME alexanfo@id.doe.gov

Reaffirms comment on #7 above since Rating Official would need at least a year in order to develop Performance Plans, conduct a progress review, or issue a performance rating. If there is no minimum that a Rating Official needs to occupy his position then negative bias and disparate treatment could occur.

Response:

Reject

There is no regulatory requirement that a rating official occupy his/her position for a minimum period before rendering a rating. In cases where there are 90 days or less remaining in the appraisal period and the departing supervisors did not prepare the rating prior to departing, he/she should provide sufficient information for the acting or new rating official to prepare the annual ratings. In addition, 4.c(5) allows the reviewing official to rate an employee if there is no designated acting rating official. This has been DOE's practice for at least the past 7 years.

SME gallegra@id.doe.gov

Experience is that this disagreement is used to penalize or punish an employee when management lack enough knowledge or experience to understand the work being performed or they are out to get an employee. A third party outside the organization should be able to review both sides of the issue to prevent abuses as SME's are hired to provide expertise on subjects not the supervisors.

Response:

Reject

Unable to determine how your comment correlates to the section identified.

Major comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

-->(2) Performance plans **must be completed and signed by at least the Reviewing and Rating Officials** at the beginning of the appraisal period; normally within 30 days, but no later than 45 days from the effective date of an assignment. Performance plans for employees who are on a temporary assignment, such as detail or temporary promotion must be completed within 30 days from the effective date of the assignment. **In either case, the employee must sign within 15 days of the Rating Official signing.** (per 4.b (2)b).

Per the highlighted section: Does this mean the employee can sign later than 45 days from the date of assignment? Currently, aren't completion dates based on the employee's signature?
Red text is a suggested addition.

Response:

Reject

An employee cannot be forced to sign his/her performance plan or appraisal. If the employee is asked to sign and does not do so within 15 days or another time established in a CBA, the rating official is to move to the next phase of the performance process. This is particularly important at the end of the appraisal period to keep the performance awards process on schedule.

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:**

SME anna.valdez@nnsa.doe.gov

Change last sentence in first para to : Performance plans for employees who are on a temporary assignment, such as detail or temporary promotion **which are expected to last at least 90 days** must be completed within 30 calendar days from the effective date of the assignment.

Response:

Accept

Major comment from PK Niyogi for Headquarters NE**Included comments:**

SME gallegra@id.doe.gov

There is no penalty for failing to do this and management will not hold themselves accountable. So what happens when (a) does not happen? nothing? That's why it is ignored and why employees loose trust and respect for management.

Response:

Reject

Unable to determine which section you are referring too.

Major comment from Cecelia Kenney for Headquarters AU

This paragraph states that the Reviewing Official signs the plan first "to certify that the Rating Official is aware of their performance management responsibilities (e.g., the Rating Official is aware the performance plan must be discussed with the employee). . .", yet there does not seem to be a stated requirement for this discussion to occur. This implied requirement for the Reviewing and Rating Official to have this discussion should be directly stated.

AU-60

Response:

Reject

This topic is directly related to the supervisory critical element and should be discussed during the rating official's performance meeting with the reviewing official. If the reviewing official is meeting his/her requirements as a rating official, this is not issue.

Suggested comment from Kris McFail for Headquarters OE**Included comments:**

SME Theresa.BrownShute@Hq.Doe.Gov

-->(b) The Rating Official signs prior to the employee to certify that the employee was afforded the opportunity to discuss the performance plan and the employee; declined to meet with the Rating Official, is not available to or declines to sign the plan. If an employee declines to sign the plan, the Rating Official will advise the employee that his/her signature only acknowledges that the plan was discussed; it does not necessarily indicate the employee agrees with the plan. If the employee does not sign the plan within 15 days of the first request, the Rating Official will annotate on the form that the employee declined to sign and the employee will receive their rating of record for the appraisal period based on the evaluation of the critical elements in the plan. If the employee is not available to sign, the Rating Official will annotate the form that the employee was unable to sign and provide a reason.

-->(c) The employee signs last to certify that the job performance outcomes and expectations of the performance plan were discussed. The employee's signature does not necessarily indicate agreement with the performance plan.

Per the highlighted text:

This seems out of place in the paragraph. The language in item a and c seems to be covering the creation of the plan. Why is there closeout language in item b?

Also, while items a-c are true as far as signatures, this is leaving out the initial routing in ePerformance where the Rater passes the plan to the employee for review. This makes it sound like the first action is the Reviewing Official's signature.

Response:

Reject

This language informs the employee at the beginning of the appraisal period that even though he/she declines to sign the performance plan, the critical elements in the plan is what will be used to evaluate the employee's performance at the end of the appraisal period.

4.b.(1) has been revised to: Performance plans are to be developed jointly by the Rating Official and employee or group of similarly situated employees. The Rating Official has the final authority regarding the substance of the performance plan, subject only to the plan's approval by the Reviewing Official.

Suggested comment from Pamela Gentel for Headquarters FE

Included comments:

SME alan.perry@hq.doe.gov

Specify that it is 15 "calendar" days in section b

Why not 5 or 7 days instead of 15?

Response:

Accept

"calendar" was added in section b.

15 days was changed to 7 calendar days

Suggested comment from Steve Duarte for Headquarters GC

Included comments:

SME reesha.trznadel@hq.doe.gov

Add language that employee's failure to sign does not nullify the performance plan, rating, or other Agency action with regard to Performance management.

Response:

Accept

Recommended language was added to 4.b.(2)(c) and 4.c(5)(c)

Major comment from Cecelia Kenney for Headquarters AU

The first sentence states, "The Rating Official signs prior to the employee to certify that the employee was afforded the opportunity to discuss the performance plan and the employee; declined to meet with the Rating Official, is not available to or declines to sign the plan." It seems as if the sentence should end after "was afforded the opportunity to discuss the plan" since the signature certifies that the plan was discussed regardless of whether the employee declined to sign. Recommend adding the information on declining to sign the form as an example at the end of a modified version of the last sentence of the paragraph: "If the employee does not sign, the Rating Official will annotate the form indicating that and provide a reason (e.g., was unavailable or declined to sign).

AU-60

Response:

Accept

"and the employee; declined to meet with the Rating Official, is not available to or declines to sign the plan

plan" was removed from 4.b.(2)(b)

Major comment from Sara Frey for Western Area Power Administration

(b) The Rating Official signs prior to the employee to certify that the employee was afforded the opportunity to discuss the performance plan ~~and the employee; declined to meet with the Rating Official, is not available to or declines to sign the plan.~~ If an employee declines to sign the plan, the Rating Official will advise the employee that his/her signature only acknowledges that the plan was discussed; it does not necessarily indicate the employee agrees with the plan. If the employee does not sign the plan within 15 days of the first request, the Rating Official will annotate on the form that the employee declined to sign and the employee will receive their rating of record for the appraisal period based on the evaluation of the critical elements in the plan. If the employee is not available to sign, the Rating Official will annotate the form that the employee was unable to sign and provide a reason.

Response:*Accept*

"and the employee; declined to meet with the Rating Official, is not available to or declines to sign the plan

plan" was removed from 4.b.(2)(b)

Suggested comment from Kris McFail for Headquarters OE**Included comments:****SME Theresa.BrownShute@Hq.Doe.Gov**

So Offices don't need to address Contributing Factors any more? Is this being removed from ePerformance?

Response:*Reject*

Contributing factors have been eliminated and will be removed from ePerformance.

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:****SME anna.valdez@nnsa.doe.gov**

4.b.(7): Recommend adding a statement that the position descriptions should contain language that supports the use of an occupational or safety standard in the performance plan.

Response:*Accept with Modifications*

Since this issue does not apply department-wide and rating officials are responsible for, and trained to refer to the employee's PD when developing critical elements, this section has been deleted.

SME anna.valdez@nnsa.doe.gov

There should be a definition of weights and/or an explanation on how they work somewhere within the Order.

Response:*Accept with Modifications*

4.b.(5) was revised to the following: he performance plan must contain at least 3 but no more than 6 critical elements. Each critical element can be single, double or triple weighted for a maximum of 6 weighted elements. The Rating Official will determine the weight of each critical element based on the importance of the outcomes and expectations of the element.

SME anna.valdez@nnsa.doe.gov

4.b.(6): Recommend that this be re-written to require that performance measures for critical elements must contain the Meets Expectations (ME) measures/standard, but that other rating levels also may be written, if deemed necessary by the rating and reviewing officials.

Response:
Reject

There is no regulatory requirement to write critical elements at any other level than the ME (fully successful) level.

Major comment from Cecelia Kenney for Headquarters AU

This paragraph seems to prohibit the inclusion of the required element on designating and handling classified information from E.O. 13526 and DOE O 475.2B. The Performance Management directive should allow for required occupational (i.e., professional) and safety elements that are contained in other directives. If this isn't possible, we'd at least like the OPI to create some sort of a linkage to the required classification element in E.O. 13526 and DOE O 475.2B since DOE O 331.1D is the first directive someone will go to when creating a performance plan, and they might otherwise overlook the requirement to include the classification element that's in E.O. 13526 and DOE O 475.2B. AU-60

Response:
Accept with Modifications

The following revision was made to the order:

4.b(7) Specific standards (e.g., occupational and/or safety) must be in performance plans that require the performance of these standards as intrinsic to the duties of the position by way of the position description, Executive Order or DOE Order. For example: In accordance E.O.13526 and DOE O 475.2B, any employee who has authority to classified information must have a critical element to evaluate the employee's performance in the management of classified information.

Suggested comment from Sharon Edge-Harley for Headquarters EA (Enterprise Assessment)

SME Kathy.McCarty@hq.doe.gov wrote:

Section 4.b.(6) - Consider requiring that measurable elements for Exceeds Expectations also be specified in the performance plan. "Exceeds Expectations" (EE) is described as "a level of performance that is consistently and dramatically higher than that described at the ME level in terms of work products and/or results achieved, high cost savings or cost avoidances, and/or extremely high levels of efficiency, effectiveness, and timeliness." Basically this means performance that is much better than just meeting expectations. The challenge is that in only specifying performance goals for ME in the performance plan without specifying performance goals for EE that clearly demonstrate a higher performance level; the determination of a higher level is subjective.

Response:
Reject

There is no regulatory requirement to write elements at any other level other the ME (fully successful).

Major comment from PK Niyogi for Headquarters NE

Included comments:

SME gallegra@id.doe.gov

Again, if it is not signed by both or even one is it invalid? It should be so the supervisor learns to accept responsibility.....performance will help.

Past experience....The employee is clearly being held accountable by the rating but the supervisors are not being held accountable for failing to sign it and if the employee challenges it management can just ignore it with no accountability.

Response:

Reject

The plan must be signed by the rating and reviewing official OR by the reviewing official who can sign on behalf of the rating official, if applicable. Supervisors should be held accountable for completing the performance process within the established timeframes via their supervisory critical element.

Major comment from Cecelia Kenney for Headquarters AU

The appraisal rating process section in 4.c. of DOE O 331.1D eliminates the Needs Improvement rating from the possible ratings but does not change the definition of the Fails to Meet Expectations or the Meets Expectations ratings to accommodate the gap left by the Needs Improvement (NI) rating. The NI rating allowed the manager to clearly identify a weakness in the employee's performance but could still have a summary rating of ME. For example, an employee with 5 elements and receive EE ratings in 3, one ME rating and 1 NI rating and still get a summary rating of ME. Under O 331.1D that employee will either receive an FME summary rating or the manager would be required to rate the element where the employee under performed as an ME. It is not clear why this change is an improvement over the existing order; it should be reevaluated and if NI is eliminated, be clearly explained. We also note the change is not consistent with the 2013 *Collective Bargaining Agreement Between Department of Energy Headquarters and the NTEU* (CBA). AU-20

Response:

Reject

The NI level is not conducive to DOE's efforts to create and maintain a high performing results-focused performance culture. However, DOE does value its employees and will continue its practice of requiring rating officials to address performance that is below the ME level, but not at the FME level. Therefore, rating officials are required provide assistance to employees by developing a "Performance Counseling and Guidance" letter that identifies the performance issues that must be corrected and guidance on how to bring performance up to the ME level. Rating official are required to monitor performance throughout the appraisal period and address performance that falls below the ME with either a performance counseling and guidance letter or a Performance Improvement Plan (PIP), as applicable within 30 days.

The following was added to the order to provide employees the opportunity to raise performance to the ME level prior to receiving a FME summary rating: 4.c.(12) When an employee is on a Performance Improvement Plan (PIP) at the end of the annual appraisal period (September 30), the employee will have their appraisal period extended in order to complete the PIP. In no situation will an appraisal period be less than 90 days or more than 15 months.

Orders/policies are developed in the best interest and for the efficiency of the Department, they are not developed to meet the requirements of a specific CBA (DOE has 13 CBA's, many with their own provisions on any given topic). Local labor obligations will be met when required and the doctrine of order of precedence would apply where there is a conflict between the CBA provision and the policy. Management is to work with their local labor relations officer when there is a labor issue.

Major comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

-->(2) After the end of the appraisal period, the Rating Official will use his/her own observation, supplemental sources and input from the employee and/or customers, to objectively evaluate the employee's performance. The Rating Official will then assign each critical element one of the following rating levels and include a narrative justification that supports the rating. Is a narrative now required for ALL ratings and not just for a rating other than ME?

-->(a) Exceeds Expectations (EE) is a level of performance that is consistently and dramatically higher than that described at the ME level in terms of work products and/or results achieved, high cost-savings or cost avoidances, and/or extremely high levels of efficiency, effectiveness, and timeliness.

-->(b) **Meets Expectations (ME)** is the "Fully Successful" or acceptable level that is described for each critical element and is intended to describe the level that is reasonably expected to be achieved in terms of quality, quantity, effectiveness, and timeliness.

-->(c) **Fails to Meet Expectations (FME)** is the lowest level that a critical element can be rated. It indicates that the employee's performance is "Unacceptable". When one critical element is rated FME, the overall summary level rating is FME.

-->(d) **Not Ratable (NR)** indicates that the employee did not have an opportunity to perform the critical element due to reasons beyond the employee's control (e.g., when a project has been delayed due to a lack of funding, an employee has an extended absence due to Workers Compensation or is on Leave Without Pay, or the critical element needs to be revised significantly or deleted).

Is being on detail also an example of when to use NR?

Response:

Reject

A narrative is now required for ALL critical elements, not just ME.

It is possible that a detail could affect the employee's ability to meet the expectations of a critical element. The rating official will have to make the determination. NOTE: NR is used to rate individual critical elements, it is not used as a summary level; therefore all critical elements cannot be rated NR.

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

4.c.(2)(a): Using words like 'dramatically' or 'extremely high levels of'.. are subject to interpretation. Recommend there be an effort to provide definitions that are less subject to individual interpretation.

Response:

Reject

SME anna.valdez@nnsa.doe.gov

(2)(d): Change sentence to: Not Ratable (NR) indicates that the employee did not have an opportunity to perform the critical element **for at least 90 days** due to reasons beyond the employee's control...

Response:

Reject

SME anna.valdez@nnsa.doe.gov

4.c.(7): Recommend addressing how to document when an employee is on a long term detail to another agency and the supervisor is not able to obtain a narrative performance rating. Clarify if the employee will be Not Rated, and therefore not eligible for a performance award.

Response:

Reject

SME anna.valdez@nnsa.doe.gov

4.c.: Recommend adding a paragraph addressing how to set up critical elements for an employee who is on a long term training assignment or attending a school and is unable to perform for a period of 90 days or longer. If the training or school doesn't specifically require performance of work that can be tied back into the employee's critical elements for their position of record, there should be guidance on how to handle. Clarify if the employee will be Not Rated, and therefore not eligible for a performance award.

SME anna.valdez@nnsa.doe.gov

4.c.(2)(b): Remove the initials Vb from the paragraph.

Response:

Reject

I did not see the initials.

SME anna.valdez@nnsa.doe.gov

(2)(d): Not Ratable is not a rating level. Also, any elements that are not ratable should not be considered when counting the dispersement of rating levels when determining the summary rating. This should be made clear.

Response:

Accept with Modifications

The order was revised to reflect the following;

4.c(2)(d) - Deleted

4.c(3)(a),(b) Added - Each critical element must be rated at one of the three levels above, with the exception of Not Ratable (NR).

(a) NR indicates that the employee did not have an opportunity to perform the critical element due to reasons beyond the employee's control (e.g., when a project has been delayed due to a lack of funding, an employee has an extended absence due to Workers Compensation or is on Leave Without Pay, or the critical element needs to be revised significantly or deleted).

(b) Any critical element considered to be NR will be noted as NR on the appraisal form and will not be considered when determining the employee's summary rating. NR is not a summary level rating, therefore, an employee cannot have every element on his/her performance plan rated NR.

SME anna.valdez@nnsa.doe.gov

4.c.(2): The last sentence in the paragraph infers that a narrative justification must be written for any rating level. Recommend rewriting as: The Rating Official will then assign each critical element one of the following rating levels and include a narrative justification that supports any rating other than ME.

Response:

Reject

The intent is to have a narrative justification for each critical element, not just ME.

SME lloyd.deserisy@nnsa.doe.gov

4.c.(2) NNSA uses different adjectival ratings, i.e. FME = Fully Meets Expectations vice Fails to Meet Expectations.

Response:

Reject

Correct, NNSA's rating levels are different from the Department's rating levels, and have been since the onset of the DEMO project.

Major comment from Cecelia Kenney for Headquarters AU

The explanation for "Exceeds Expectations" tiers off of the "Meets Expectations" description; however, there doesn't appear to be a one-to-one correlation between the factors/criteria that are listed under "Meets Expectations" and those listed under "Exceeds Expectations." The "Meets Expectations" description uses "quality, quantity, effectiveness, and timeliness, but "quality" and "quantity" appears to drop out of "Exceeds Expectations" which does not appear to factor in the quality of the product or whether more work was produced than what was called out in the performance plan as reasonably meeting the expectation.

AU-60

Response:

Reject

The rating official evaluates whether the employee's performance meets the ME level; if the employee meets the ME level then further evaluation is done to determine if the employee meets the EE level of performance.

Suggested comment from Cecelia Kenney for Headquarters AU

Given the elimination of the intermediate "Needs Improvement" rating and the fact that DOE's performance system does not allow anything in the performance plan to be designated as anything other than a "Critical Element" (i.e., 331.1D does not allow any of the other performance plan element designations that are options allowed by OPM such as "Non Critical Elements" that can be used for activities related to on the job training and development), it would seem that an FME on a single element should not warrant an overall FME summary rating (particularly if the employee has MEs and/or EEs on the other elements). If the OPI has the flexibility to remove the last sentence from this paragraph, recommend that it be taken out. Also recommend that some of the other options allowed by OPM (e.g., the designation of an activity as a "Non Critical Element") be added to 331.1D.

AU-60

Response:

Reject

Per 5 CFR 430.208(b)(1), a summary level of Unacceptable (FME) will be assigned when one or more critical elements is appraised as Unacceptable (FME). As such, DOE has no flexibility to remove the sentence as suggested. This is a results-focused performance program, therefore, every element in an employee's performance plan is critical to accomplishing DOE's mission.

Suggested comment from Bill Schwartz for Headquarters HG

"Majority rated EE" should read "Majority rated EE (none rated FME)"

"Majority rated ME, or equally divided between ME and EE, or all at ME" should read "50% or more rated ME (none rated FME)"

Response:

Reject

Per 5 CFR 430.208(b)(1), a summary level of Unacceptable (FME) will be assigned when one or more critical elements is appraised as Unacceptable (FME). This requirement is identified in 4.c.(2)(c) therefore, no value is added by restating the requirement in the Summary Rating Determination Chart.

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

-->(5) The performance appraisal is considered official when the appraisal signed by at least the Reviewing and Rating Officials is provided to the employee. In the event that the Rating Official is unavailable for an extended period of time and an Acting Rating Official is not designated, the Reviewing Official may discuss, certify and provide the rating of record to the employee. **Exception: When a rating of record is issued at the FME level, the rating must be reviewed and approved by a higher-level management official. Higher-level than the Rating or the Reviewing Official? Can this be clarified some more?**

-->(a) The Reviewing Official signs first to certify that the Rating Official is aware of their performance management responsibilities (e.g. the Rating Official is aware the summary rating must be discussed with the employee), and he/she approves the summary rating, and to ensure consistency in the application of the performance management program among subordinates.

-->(b) The Rating Official signs prior to the employee to certify that the employee was afforded the opportunity to discuss the summary rating and the employee; declined to meet with the Rating Official, is not available to or declines to sign the appraisal. If the employee declines to sign, the Rating Official will advise the employee that his/her signature only acknowledges receipt of the summary rating; it does not necessarily indicate agreement with the rating. If the employee does not sign within 15 days of the first request, the Rating Official will annotate on the form that the employee declined to sign and certify the summary rating as the employee's rating of record for the appraisal period. If the employee is not available to sign, the Rating Official will annotate the form and provide a reason why the employee is unable to sign.

The purple highlighted text is awkward and confusing to read.

Response:

Accept with Modifications

(5) changed to : (8) In cases where the Rating Official occupies a key position (e.g., Site Office Manager, Service Center Director, or the Principal Deputy), the Rating Official can also serve in the role of the Reviewing Official. Exception: When a rating of record is issued at the FME level, and the reviewing and rating official would normally be the same individual; the rating must be reviewed and approved by a higher-level management official than the rating official.

(b) Purple highlighted text was deleted.

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:**

SME anna.valdez@nnsa.doe.gov

4.c.(5)(b): The first sentence in this paragraph is awkward; recommend removing the semi-colon after the word employee.

Response:

Accept

Changed as requested:

4.c.(5)(b) The Rating Official signs prior to the employee to certify that the employee was afforded the opportunity to discuss the performance plan.

Suggested comment from Sara Frey for Western Area Power Administration

(5) The performance appraisal is considered official when the appraisal signed by at least the Reviewing and Rating Officials is provided to the employee. In the event that the Rating Official is unavailable for an extended period of time and an Acting Rating Official is not designated, the Reviewing Official may discuss, certify and provide the rating of record to the employee. Exception: When a rating of record is issued at the FME level, the rating must be reviewed and approved by a higher-level management official.

This is very vague, should it be the Reviewing Official's supervisor?

(b) The Rating Official signs prior to the employee to certify that the employee was afforded the opportunity to discuss the summary rating ~~and the employee, declined to meet with the Rating Official, is not available to or declines to sign the appraisal.~~ If the employee declines to sign, the Rating Official will advise the employee that his/her signature only acknowledges receipt of the summary rating; it does not necessarily indicate agreement with the rating. If the employee does not sign within 15 days of the first request, the Rating Official will annotate on the form that the employee declined to sign and certify the summary rating as the employee's rating of record for the appraisal period. If the employee is not available to sign, the Rating Official will annotate the form and provide a reason why the employee is unable to sign.

(

Response:

Accept with Modifications

(5) changed to : In cases where the Rating Official occupies a key position (e.g., Site Office Manager, Service Center Director, or the Principal Deputy), the Rating Official can also serve in the role of the Reviewing Official. Exception: When a rating of record is issued at the FME level, and the reviewing and rating official would normally be the same individual; the rating must be reviewed and approved by a higher-level management official than the rating official.

(b) text was deleted

Suggested comment from Kris McFail for Headquarters OE**Included comments:**

SME Theresa.BrownShute@Hq.Doe.Gov

-->(6) When an employee is detailed or temporarily promoted within DOE for 90 days or more, the Rating Official of the temporary assignment must create a performance plan ePerformance the contains the critical elements the employee will be rated on during the temporary assignment. At the end of the assignment the Rating Official will document a rating for each critical element which will become the employee's Advisory Rating for the temporary assignment. The Rating Official of permanent position will consider the advisory rating when preparing the employee's rating of record for the entire appraisal period.

Per the highlighted section: Does this include details within the same program office? Or only between two different DOE program offices?

Response:

Accept with Modifications

This language applies to any detail that involves the employee temporarily leaving their permanent position.

Suggested comment from Pamela Gentel for Headquarters FE**Included comments:**

SME alan.perry@hq.doe.gov

create a performance plan in ePerformance that contains

Response:

Accept

change made

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:**

SME anna.valdez@nnsa.doe.gov

Two words are missing in the 1st sentence, add the word 'in' after 'must create a performance plan....' and delete the word 'the' after 'ePerformance' and insert the word 'that' instead.

In the 2nd sentence change to: At the end of the assignment the Rating Official for the temporary assignment will document a rating for each critical element which will become the employee's Advisory Rating...

Response:

Accept

changes made as suggested

Suggested comment from Jennifer Kelley for Headquarters SC

Paragraph 4c(6). Add in the words noted in red. When an employee is detailed or temporarily promoted within DOE for 90 days or more, the Rating Official of the temporary assignment must create a performance plan in ePerformance which contains the critical elements the employee will be rated on during the temporary assignment.

Response:

Accept with Modifications

the following change was made:

"in ePerformance that"

Suggested comment from Kris McFail for Headquarters OE**Included comments:**

SME Theresa.BrownShute@Hq.Doe.Gov

-->(8) When an employee is reassigned or promoted within DOE and more than 90 days are remaining in the appraisal period, the losing organization is not required to complete an **advisory** rating for the gaining organization to consider in determining the rating of record for the appraisal period.

Does the highlighted area refer to an Advisory Plan rating, or the Final Rating on the annual performance plan?

Response:

Accept with Modifications

Changed to 4.c.(8) When an employee who has been covered by a performance plan for at least 90 days is reassigned or promoted within DOE and more than 90 days are remaining in the appraisal period, the losing organization is not required to complete a performance rating for the gaining organization to consider in determining the rating of record for the appraisal period.

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:**

SME anna.valdez@nnsa.doe.gov

4.c.(7): Need to state how the supervisor relates the detail performance appraisal (narrative) back to the official performance plan in order to consider performance during detail when preparing rating for the entire performance period.

Response:

Reject

There is no set standard on how the permanent rating official will obtain the information, as this process can vary throughout the Departmental elements.

Major comment from Sara Frey for Western Area Power Administration

4.c.(10) The reference to providing a “pro-rated performance award” might be better suited for the performance awards section rather than the Appraisal (rating) section. It’s duplicative to have it in both places.

Response:

Accept

Language deleted from this section.

Suggested comment from Kris McFail for Headquarters OE**Included comments:**

SME Theresa.BrownShute@Hq.Doe.Gov

-->(14) A new rating of record must be prepared for the following situations and may be prepared at any point in the appraisal cycle:

Can more clarity about timing be added to the opening sentence?

Response:

Accept with Modifications

All rating of records must be completed and signed within 45 days from the end of the appraisal period.

Language changed, see 4.c.(16)-(19)

Major comment from Pamela Gentel for Headquarters FE

Included comments:

SME alan.perry@hq.doe.gov

So, the rating official would prepare a rating during the performance period if performance falls to the FME? How would this be done?

Response:

Reject

No sure what section you are referring to however: 4.c.(16) states when an employee's performance has changed from ME or above to FME, a new rating of record must be prepared to document a decision to deny a within-grade increase.

Suggested comment from Steve Duarte for Headquarters GC

Included comments:

SME reesha.trznadel@hq.doe.gov

is (a) saying that a WIGI cannot be denied or held in abeyance unless and until a new rating of record is entered into the system?

Response:

Accept with Modifications

No, only that the Rating Official must make a decision whether a new rating of record is needed at the time the WGI is due.

See 4.c.(16) The Rating Official must decide whether the employee's current performance has come back up to ME, and if so, approve the within-grade increase or if the current performance is still below ME, a new rating needs to be issued to support the denial of the within-grade increase

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

Add discussion regarding performance link to pay. Performance pay adjustment for EJ/EK, and WGI for GS (also discussion regarding acceptable rating required to receive a WGI and withholding WGI). Reference Order on EJ/EK.

Response:

Accept

The following has been added to the Exemption section:

(1) Performance award determinations and limits for Excepted Service employees in pay plans EJ and EK who are covered by DOE O 329.1 Excepted Service Authorities for EJ and EK Pay plans.

See 4.c.(16) for revised WGI information

SME anna.valdez@nnsa.doe.gov

(14) (c): Add other programs that require acceptable performance for a period of time prior to conversion – such as Sch. A –Disability; VRA;Disabled vet; conversion from temporary to permanent, etc.

Response:
Accept

See 4.c(19) When an employee is covered by a program (e.g., Careers Pathways Programs, Schedule A-Disability, etc.), that requires an acceptable level of performance prior to conversion from a temporary to a permanent position and the employee's performance has changed from ME or above to FME, a new rating of record must be prepared to document the employee's current performance level.

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

-->d. Performance Awards.

-->(1) General.

-->(a) An employee will only receive one type of award for a ME or higher rating of record.

-->(b) Management determines what type of award(s) will be offered to each employee based on eligibility, and will take into consideration the employee's preference, and will determine what award is approved. **Why is awards plural if only one type of award can be issued per item (a) above?**

-->(c) When an employee is reassigned or promoted within DOE and less than 90 days are remaining in the appraisal period, the losing organization will determine the appropriate award. If the award will be a cash award, then the losing organization must provide the award amount based on the employee's salary at the time of the action and provide the funding citation to the gaining organization to process the award.

Per the highlight in item (c): What about employees promoted by career ladder? Or promoted competitively but they remain with the same program office and have been with DOE from the start of the fiscal year?

Response:
Reject

Each Departmental element can decide what awards to offer each performance year. Management does not have to offer cash, time-off or QSIs each year.

In any promotion situation, when the employee is promoted, they must be put on a new performance plan, therefore the current plan must be completed.

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

4.d.(1)(b): Allowing management to take an employee's preference into consideration could be perceived in certain situations as showing favoritism.

Response:
Accept with Modifications

Revised to 4.d.(1)(b) Management determines what type of award(s) will be offered based on the needs of the organization and will take into consideration the employee's preference; however, management determines the type of award will be granted to each employee.

SME anna.valdez@nnsa.doe.gov

Recommend section on "Poor or Unacceptable Performance" be placed before the section on "Performance Awards".

Response:
Accept

Language moved

Major comment from Cecelia Kenney for Headquarters AU

In Performance Awards the statement in (a) "An employee will only receive one type of award for a ME or higher rating of record." Should be revised to "An employee will only receive one type of performance award for a ME or higher rating of record." To clarify that an ME receiving a performance award under Section 4.d. does not preclude receiving an award under 4.g. AU-20

Response:

Accept

Language changed

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

-->(2) **Eligibility.**

-->(a) A covered employee who is employed by the Department on the last day of the appraisal period (i.e. September 30 **for non-BPA** or October 31 for BPA GS, BB, BL and BS employees) must have a summary rating of ME or above for the current appraisal period.

Add highlighted red text for clarity?

Response:

Accept with Modifications

Language changed

Suggested comment from Sara Frey for Western Area Power Administration

(b) Employees who are assigned (e.g. promoted) to a SES, SL, or ST position during the appraisal period are not considered to be covered employees on the last day of the appraisal period and **therefore**, are not eligible to receive a performance award under this program.

Response:

Accept

change made as requested

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

-->(c) Two separate pay pools will be established based on the employee's permanent position; one for supervisory and one for non-supervisory employees. The percentage of salaries used for each pool will be the same. **For example: A non-supervisory employee promoted to a supervisory position during the last 90 days of the appraisal period will have his/her salary included in the non-supervisory pay pool and will receive his/her performance award based on the salary at the time of promotion.**

Per the highlight: if the promoted employee's salary goes to the non-Supervisory pool, does that mean the employee is also included in the non-supervisor spreadsheet/pool? That his/her award would be based on the pre-promotion salary?

Response:

Reject

Employees in this situation will have to be manually moved to the correct awards spreadsheet and will receive their awards based on the pre-promotion salary.

Suggested comment from Steve Duarte for Headquarters GC**Included comments:****SME reesha.trznadel@hq.doe.gov**

Change first sentence to: "Departmental elements will provide a percentage of their covered employees' total salaries, as determined and directed by the CHCO, as of the last day of the annual appraisal period.

Response:*Accept*

Departmental elements will provide a percentage of their covered employees' total salaries, as determined and directed by the CHCO, as of the last day of the annual appraisal period

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:****SME anna.valdez@nnsa.doe.gov**

4.d. (3) a.: Office of Management & Budget has been imposing much lower amounts than 3 to 4 percent for the last 4 years, and will probably continue to do so for the foreseeable future. Recommend changing the paragraph to read "The Secretary of Energy, on an annual basis, determines a percentage of covered employees' total salaries to be used for performance increases and awards."

Response:*Accept with Modifications*

Revised to: 4.d.(3)a. Departmental elements will provide a percentage of their covered employees' total salaries, as determined and directed by the CHCO, as of the last day of the annual appraisal period

Suggested comment from Jennifer Kelley for Headquarters SC

Paragraph 4d(3)(c). Please clarify the phrase in the last sentence, "based on the salary at the time of the promotion." Does this mean salary prior to receiving the promotion, or salary once the promotion was processed?

Response:*Accept with Modifications*

Language revised: For example: A non-supervisory employee promoted to a supervisory position during the last 90 days of the appraisal period will have his/her salary included in the non-supervisory pay pool and will receive his/her performance award based on the salary at the time of promotion (i.e. pre-promotion salary).

Suggested comment from Bill Schwartz for Headquarters HG

We believe the share values awarded in the subcategories of ME ratings need revision. As currently stated, an overall ME rating based on elements equally divided between EE and ME receives fewer shares than one based on a majority of ME elements (and therefore fewer EE elements).

Response:*Accept*

Language changed to

1 ME –

a 3 shares when the majority of weighted elements are rated at EE or equally divided

between EE and ME

- b 2 shares when the majority of weighted elements are rated ME; or
- c 1 share when all weighted elements are rated at ME and management elects to offer this award.

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

4.d.(4)(a)(3): The number of shares allotted under the ME summary rating grant an employee who is performing at meets expectations for all critical elements to receive 3 shares and an employee who has an equal amount of critical elements at the ME and Exceeds Expectations level to receive 2 shares actually gives more share to a person with more level 3 ratings than a person with more level 4 ratings. This should be reversed to give the employee with an equal mix of ratings (to include higher - EE ratings) the higher share values.

Response:

Accept

Language changed to

- 1 ME –
- a 3 shares when the majority of weighted elements are rated at EE or equally divided between EE and ME
- b 2 shares when the majority of weighted elements are rated ME; or
- c 1 share when all weighted elements are rated at ME and management elects to offer this award.

Major comment from Jennifer Kelley for Headquarters SC

Paragraph 4d(4)(a)2-3. I think the 3 and 2 share definitions are reversed. Shouldn't an employee with elements equally divided between EE and ME receive 3 shares and the employee with a majority ME receive 2 shares?

Response:

Accept

Language changed to

- (1) ME – a. 3 shares when the majority of weighted elements are rated at EE;

Major comment from Cecelia Kenney for Headquarters AU

The current wording of sub-paragraph a. allots "3 shares when the majority of weighted elements are rated at ME" while sub-paragraph b allots "2 shares when the elements are equally divided between EE and ME". This seems to provide a higher share value for the ME rating than for the rating with an equal split between ME and EE ratings. Because a majority of EE ratings results in a summary rating of EE, a summary ME rating where EE and ME ratings are equal is the highest Summary ME possible so we presume it should be moved to 3a at 3 shares and the majority at ME should be moved to 3b at 2 shares.

Existing wording in DOE O 331.1C that states: "ME –
a 3 shares when the majority of weighted elements
are rated at ME and at least 1 at EE or the elements
are equally divided between EE and ME;
b 2 shares when all weighted elements are rated at
ME;"

Recommend revisiting the draft wording to assure the final Order correctly reflects DOE's intent.

AU-20

Response:

Accept

Language changed to

1 ME –

- a 3 shares when the majority of weighted elements are rated at EE or equally divided between EE and ME
- b 2 shares when the majority of weighted elements are rated ME; or
- c 1 share when all weighted elements are rated at ME and management elects to offer this award.

Suggested comment from Sara Frey for Western Area Power Administration

(b) Pro-ration is determined by dividing the total hours in a pay status, by 2080 hours and multiplying the result ~~times by~~ the pro-rated share value. Periods of LWOP for employees performing military duty or receiving workers' compensation are considered to be in a pay status for pro-ration purposes.

Response:

Accept

language changed

Suggested comment from Sharon Edge-Harley for Headquarters EA (Enterprise Assessment)

SME Kathy.McCarty@hq.doe.gov wrote:

Section 4.d.(4)(a)3a – ME should read EE.

Response:

Accept

Language changed to

1 ME –

- a 3 shares when the majority of weighted elements are rated at EE or equally divided between EE and ME
- b 2 shares when the majority of weighted elements are rated ME; or
- c 1 share when all weighted elements are rated at ME and management elects to offer this award.

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

4.d.(5): Change title of section to: Other Performance Awards in Lieu of Cash Awards.

Response:

Accept with Modifications

Format changed to have all performance award under "Performance Awards"

SME anna.valdez@nnsa.doe.gov

4.d.(5)(a)(7): Clarify whether there is also a restriction of not having received a Quality Increase pay adjustment within the last 52 consecutive calendar weeks.

Response:

Accept

QSI changed to QI

Major comment from Sara Frey for Western Area Power Administration

4.d.(5)(a)7 The reference to "QSI" here is unclear because "QSI" was not introduced as an acronym; perhaps "QI" was intended. If "QSI" referring to quality step increase was intended, what happens to those who received a "equivalent pay adjustment" within the preceding 52 consecutive weeks?

Response:

Accept

QSI changed to QI

Suggested comment from Bill Schwartz for Headquarters HG

We believe the subcategories for a time-off award based on an ME rating are misstated and require revision.

Section 3(a) applies to an overall rating where the majority of weighted elements are rated at EE; according to section 4.c.3, the overall rating in that situation would be EE, not ME.

Section 3(b) applies to an overall ME rating resulting from the best possible split of ME and EE ratings-- any better, and the overall rating would be EE. An overall ME rating of this type should therefore receive the largest time-off award available to those who receive overall ME ratings.

Response:

Accept

Language changed to

1 ME –

- a 3 shares when the majority of weighted elements are rated at EE or equally divided between EE and ME
- b 2 shares when the majority of weighted elements are rated ME; or
- c 1 share when all weighted elements are rated at ME and management elects to offer this award.

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:**

SME anna.valdez@nnsa.doe.gov

The OPM has imposed a requirement to keep time-off awards to 2010 levels, the policy could include information about abiding by any OPM imposed limits and how to be equitable if the limits are exceeded (how to decide who gets time off and who won't).

Response:

Reject

OPM lifted the time-off awards restriction. Departmental elements currently have the flexibility to grant time off in one hour increments up to the maximum number of hours allowed.

Major comment from Jennifer Kelley for Headquarters SC

Paragraph 4d(5)(b)3a-b. The first level under ME is actually an EE description and so this section should be revised as follows:

- a 30 hours when the elements are equally divided between EE and ME
- b 20 hours when the majority of elements are at ME

Response:

Accept

Language changed to

- (3) ME – a 30 hours when the majority of weighted elements are rated at EE;

Paragraph 4d(5)(b)3a-b. Shouldn't employees who are equally divided between EE and ME receive 30 hours? And the 20 hour definition should read "when the majority of weighted elements are rated at ME."

Response:

Accept with Modifications

Language changed to

- (3) ME – a 30 hours when the majority of weighted elements are rated at EE and at least 1 at ME;
- b 20 hours when elements are equally divided between EE and ME; and

Major comment from Cecelia Kenney for Headquarters AU

Allocation of the time-off award hours seem confused. Paragraph 3a indicates 30 hours may be allowed for a Summary ME rating where the majority of elements are weighted EE and at least 1 ME; such a rating as defined in 4.c.(3) is an Summary EE rating not a Summary ME. All elements equally divided between EE and ME is the highest Summary ME rating possible so we presume it should be the (b)3a 30 hour share and 3b should be majority at ME and at least 1 EE.

Recommend revisiting the draft wording to assure the final Order correctly reflects DOE's intent. AU-20

Response:

Accept with Modifications

Revised to the following:

(1) ME –

- a 30 hours when the majority of weighted elements are rated at EE or elements are equally divided between EE and ME;
- b 20 hours when the majority of weighted elements are rated at ME; and
- c 10 hours when all weighted elements are rated at ME and management elects to offer this award.

Suggested comment from Cecelia Kenney for Headquarters AU

(3) ME (a) - this should be under EE not ME

AU-70

Response:

Accept with Modifications

Language changed to

(3) ME – a 30 hours when the majority of weighted elements are rated at EE and at least 1 at ME;

Suggested comment from Sara Frey for Western Area Power Administration

Pro-ration is determined by dividing the total hours in a pay status, by 2080 hours and multiplying the result **times by** the applicable hours for the rating and rounding to the nearest whole hour. Periods of LWOP for employees performing military duty or receiving workers' compensation are considered to be in a pay status for pro-ration purposes

Response:

Accept

Language changed

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

-->e. Poor or Unacceptable Performance.

-->(1) **Did "if" accidentally get deleted? If** At any time during the appraisal period an employee demonstrates that he/she is performing at least one critical element at the FME (unacceptable) level, the supervisor must inform the employee of this in writing and/or verbally. The supervisor must then provide the employee an opportunity to improve performance to an acceptable level by developing a formal Performance Improvement Plan (PIP).

-->(2) Absent extraordinary circumstances, PIPs must be issued within 30 days of any finding (rating or informal review) that an employee is performing at the FME level. PIP's not issued within this timeframe will require the OCHCO's review and approval prior to issuance to the employee.

-->(3) An opportunity to improve period of no less than 30 days must be provided for each critical element in which the employee's performance is at FME level. The PIP may be extended if the Rating Official feels additional time is needed to allow the employee to raise performance to the ME level.

-->(4) Employees who have been given a notice of unacceptable performance and who are on a PIP on the last day of the appraisal period will have his/her appraisal period extended (not to exceed 15 months) until the completion of the PIP. Assuming performance improves – how will the employee be issued a monetary award if the program office has already submitted the awards spreadsheet?

Response:

Reject

(1) If was deleted

(4) The performance awards would be manually processed.

Suggested comment from Pamela Gentel for Headquarters FE**Included comments:**

SME alan.perry@hq.doe.gov

in 4) clarify that the performance period should not exceed 15 months, including any extension - not that the extension itself is not to exceed 15 months.

Response:

Accept

Language changed to: "Employees who have been given a notice of unacceptable performance and who are on a PIP on the last day of the appraisal period will have their appraisal period extended until the completion of the PIP. The appraisal period, including the extension cannot exceed 15 months."

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:**

SME anna.valdez@nnsa.doe.gov

Unless the WGI is due, in which case the new rating of record would need to be issued in order to withhold the WGI.

Response:

Reject

Unable to identify the section you are referring too.

SME anna.valdez@nnsa.doe.gov

e.(2): There could be many reasons why it may take longer to issue the PIP. Would not recommend requiring the OCHCO's approval.

Response:*Reject*

This requirement was added to stress the importance of issuing the PIP timely.

SME anna.valdez@nnsa.doe.gov

4.e.(4): Recommend rewording this so that it isn't misinterpreted that a PIP can be extended for an additional 15 months. Recommend changing to ..."will have his/her appraisal period extended for up to an additional 3 months beyond the end of the rating period to complete the requirements of the PIP."

Response:*Accept with Modifications*

Language changed to: "Employees who have been given a notice of unacceptable performance and who are on a PIP on the last day of the appraisal period will have their appraisal period extended until the completion of the PIP. The appraisal period, including the extension cannot exceed 15 months."

Major comment from Jennifer Kelley for Headquarters SC

Paragraph 4e(3). I highly encourage raising the minimum period to more than 30 days. The typical period in most agencies is 90 days though 60 may be sufficient depending on what needs to be addressed during the period to raise the performance.

Response:*Reject*

The minimum period was changed to 30 days to allow management more flexibility when needed; it does not mean that every PIP will be 30 days in length.

Suggested comment from Jennifer Kelley for Headquarters SC

Paragraph 4e(3). Is a minimum of 30 days enough time for an employee to improve performance? I would recommend a 60-day minimum period.

Response:*Reject*

The minimum period was changed to 30 days to allow management more flexibility when needed; it does not mean that every PIP will be 30 days in length.

Major comment from Sara Frey for Western Area Power Administration

4.e.(3) "30 days must be provided for each critical element in which the employee's performance is at FME level." So an employee failing 4 critical elements has a minimum 120 day improvement period? Does each critical element receive its own 30 day period? A clarifying example may be helpful here.

Response:*Accept*

The following example was added:

For example, if an employee is given a 90 day PIP on a critical element and two months after the PIP is issued the employee is determined to be performing at FME on another critical element, a separate PIP must be issued for the second critical element. In this scenario, the PIPs would run concurrently, however, the length of the improvement periods may vary (e.g. first PIP for 90 days and second PIP for 60 days).

Major comment from Kris McFail for Headquarters OE**Included comments:**

SME Theresa.BrownShute@Hq.Doe.Gov

-->(5) The PIP must include:

-->(a) The specific critical element(s) for which performance is at the FME level and duration of the opportunity period; This highlighted phrase is in the desk reference and seems applicable here.

-->(b) The specific actions needed to improve performance to the ME level; these actions must be specifically linked to the element for which performance was determined to be at FME;

-->(c) The assistance that will be provided to help the employee attain the ME level; this assistance may include, but is not limited to, formal training, on-the-job training, counseling, and coaching. It is imperative that the Rating Official ensures the assistance promised to the employee is delivered; and

-->(d) A statement that if the employee's performance improves but lapses again to the FME level on the same critical element(s) within 1-year from the start of the PIP, the Rating Official may propose a performance-based action, i.e., reduction in grade or termination, without placing the employee on an additional PIP.

-->(6) At the conclusion of the period in which the employee is subject to the PIP, management must take appropriate action based on the results of the employee's performance while on the PIP.

Response:

Accept

Added: (1) the length of the opportunity period;

Suggested comment from Pamela Gentel for Headquarters FE**Included comments:**

SME alan.perry@hq.doe.gov

Question in d) - what does "same critical element(s)" mean. Since deliverables may change within a critical element change from one year to the next, does that mean that this condition would not apply unless the critical element in question is materially the same from the previous year? If the subject matter is the same, but specific results differ, is it the "same critical element?"

Response:

Reject

(5)(d) The same critical element(s) means the critical element(s) that were identified in the PIP.

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:**

SME anna.valdez@nnsa.doe.gov

(6): Add: At the conclusion of the PIP should a new rating of record be issued.

Recommend specifics on who can propose and issue decision on the proposed action i.e. rating official, reviewing official, higher level management (either here and/or in Responsibilities section).

Response:

Accept with Modifications

At the conclusion of the PIP, the Rating Official in consultation with the servicing HR Office must take appropriate action based on the results of the employee's performance while on the PIP. For example, if the employee's performance does not rise to ME, the Rating Official must propose a performance-based action, which could include reduction-in-grade, reassignment, or removal.

Major comment from Cecelia Kenney for Headquarters AU

(6) management must take appropriate action... - Needs to state and define what appropriate action and who to contact e.g., Labor Relations, HC specialist....

AU0-70

Response:

Accept with Modifications

At the conclusion of the PIP, the Rating Official in consultation with the Servicing HR Office must take appropriate action based on the results of the employee's performance while on the PIP. For example, if the employee's performance does not rise to ME, the Rating Official must propose a performance-based action, which could include reduction-in-grade, reassignment, or removal.

Suggested comment from Kris McFail for Headquarters OE**Included comments:**

SME Theresa.BrownShute@Hq.Doe.Gov

-->g. **Other Awards and Forms of Recognition.**

What if this section was renamed to help it stand out from the Performance Awards section since it was not pulled into a separate document as some offices had suggested?

Suggested title: **Non-Performance Awards and Other Forms of Recognition**

Response:

Accept

Language changed to:

Non-Performance Based Awards and Other Forms of Recognition

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:**

SME anna.valdez@nnsa.doe.gov

Clarify the statutory authority to authorize awards or other forms of recognition based on training, education and development.

Response:

Accept with Modifications

Language removed pending authority to authorize awards or other forms of recognition based on training, education and development

(a) Recognize and reward individuals and/or teams, including those who support a Departmental element but are not in that element, (e.g., employees from other DOE program offices, employees from other Federal agencies), based on:

- (1) Suggestions and inventions; and
- (2) Other noteworthy achievements or contributions.

SME anna.valdez@nnsa.doe.gov

Clarify whether employees from other agencies are eligible and reiterate that contractors are not eligible.

Response:

Accept with Modifications

Change to the following:

(a) Recognize and reward Federal employees, individually and/or in teams, including those who support a Departmental element but are not in that element, (i.e., employees from other DOE program offices, employees from other Federal agencies),

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

A lot has changed in terms of how agencies have to treat 'gifts' or 'fringe benefits' to employees under IRS tax laws. Recommend this be updated to show that informal recognition items should be reviewed to determine how they should be treated, regardless of the dollar amount of an item being presented to an employee.

Response:

Reject

If a Departmental element wants to establish a local awards program, the program must be approved by OCHCO; review these types of recognition would be included as part of the approval process.

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

-->(2) Monetary Awards

-->(a) Special Act or Service (SAS) Award

-->1 A SAS award is monetary recognition for employees (as individuals or in groups) for special acts or services that are of special benefit to the Department. Accomplishments or achievements must be in connection with or related to official employment, but outside of the employee's normal job duties or day-to-day requirements and non-recurring in nature. Job responsibilities included in an employee's performance plan are to be rewarded through the performance award process.

-->2 A SAS award is not allowed to recognize employees who volunteer to support activities and events; volunteers should be recognized through a non-monetary acknowledgement.

-->3 An employee who has a current rating of record of ME or above and is not on a PIP is eligible to receive a SAS award.

-->4 The amount of a cash award for a special act or service is based on the intangible benefit to the organization. All nominations must contain the approving official's signature and date as well as a justification that clearly describes the "value of the benefit" and the "extent of the application" that supports the benefit. See Appendix B for the Department's Monetary Awards Scale.

Per the highlight: is there a specific form required for the signature and date? Can that form also be in the Appendix?

Response:

Reject

There is no Department-wide form as many Departmental elements create their own.

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

A special act or service award is its own category, for which cash or time-off can be used for recognizing employees. Recommend changing the definition of this award to the following: This type of award consists of a lump sum payment and/or equivalent time off in recognition of a special act or service in the public interest in connection with or related to official employment.

Criteria: A special act or service that is performed in the public interest in connection with or related to official employment, but clearly exceeds the recognition afforded through the issuance of a performance award. It can also be used to provide immediate recognition for a significant deed or accomplishment performed with exceptional speed and quality under difficult or unusual circumstances. Care should be exercised to ensure that employees receiving this type of recognition are not also compensated in a performance award for the same accomplishment. More than one person can be nominated for a special act or service award. However, unless the accomplishments of the group meet the criteria established for a group incentive award, they are processed as individual cash awards that are non-rating based.

Response:

Accept with Modifications

Language for SA changed to the following:

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

4.g.(2)(4)e: If the following example is a correct interpretation, add: Example: if the intangible benefits scale allows for up \$6,000 for an accomplishment, that amount cannot be exceeded for the entire group, and should be split between group members based upon their individual contributions.

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

-->2 **All nominations must contain the approving official's signature and date as well as a justification that describes the value of the benefit derived from the contribution, and include specific examples of results to clearly support the nomination.**

Same question as above - is there a specific form to use for obtaining the approving official's signature and date?

Response:

Reject

There is no Department-wide form as many Departmental elements create their own.

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

Clarify if the intent of an on-the-spot award is intended to provide cash or time-off to an employee based upon work performed that is also covered by a performance plan? If so, how to make distinctions between this and a performance award. Recommend abolishing this type of award, and moving the criteria under the special act or service award category.

Response:

Accept

Major comment from Cecelia Kenney for Headquarters AU

1)Delete the requirement for performance with "exceptional speed" so that it reads: for a significant deed or accomplishment performed with exceptional quality under difficult or unusual circumstances.

AU-10

Response:

Accept

language changed

Suggested comment from Cecelia Kenney for Headquarters AU

The difference between Special Act awards and on the spot awards is not clear. The implication is that the on the spot award can be given more quickly, but the approval requirements and process seems sufficiently similar (both require Secretarial Officer approval) that it is unlikely to be any similar that an SAS award within the same monetary boundaries. It would be useful if the order more thoroughly explained the difference in the criteria and the process. Recommend both terms be defined and added to 7. Definitions.

AU-20

Response:

Accept with Modifications

This award was abolished, the criteria was moved under the special act or service award category.

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

-->(c) Time-Off Award (TOA)

-->1 A TOA may be granted to any employee or group of employees without "loss of pay" or "charge to leave" to encourage and reward superior accomplishment or other personal efforts that contribute to the quality, efficiency, or economy of Government operations.

-->2 TOAs, including those for performance, are limited to 80 hours in over a 12 month period (i.e., fiscal year). Time off may be granted in increments of up to 40 hours for any single employee contribution. Scheduling of time off is subject to supervisory approval.

Per the highlight: Can this information be duplicated in the performance award section rather than only be mentioned here? Or maybe refer the reader to this section for more specific details?

Response:

Accept

The following language was added:

(c) Performance and non-performance based time-off awards are limited to 80 hours over a 12 month

period (i.e., fiscal year).

(d) Scheduling of time off is subject to supervisory approval.

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:**

SME anna.valdez@nnsa.doe.gov

(c) 2 Remove the word "over".

Response:

Accept

Suggested comment from Sara Frey for Western Area Power Administration

2 TOAs, including those for performance, are limited to 80 hours~~-in~~ over a 12 month period (i.e., fiscal year). Time off may be granted in increments of up to 40 hours for any single employee contribution. Scheduling of time off is subject to supervisory approval.

Response:

Accept with Modifications

The word "over" was deleted.

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:**

SME anna.valdez@nnsa.doe.gov

Add information on length of service awards and how creditable time is determined. SCD no longer a reliable source, as new employees may receive service credit for non-federal experience, which is added to the SCD.

Response:

Accept with Modifications

Language on added on LOS awards. A query is run from the CHRIS system to determine who is eligible for a service award

5. RESPONSIBILITIES**Suggested comment from Emily Mishoe for Headquarters NA****Included comments:**

SME anna.valdez@nnsa.doe.gov

NNSA Exempt. Remove 5.b.(1). Not required.

Response:

Accept

Language removed

SME anna.valdez@nnsa.doe.gov

Add: Approves extensions of time limits on Time Off Awards.

Response:

Accept

Language added.

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:**SME anna.valdez@nnsa.doe.gov**

c.(1): Add the letter "s" to the word "integrate".

Response:*Accept***Major comment from Sara Frey for Western Area Power Administration**

5.c.(9) “[see paragraph 4g(4)]” needs to be updated to 4(g)(2)(c)3

Response:*Accept*

Change made.

Suggested comment from Sara Frey for Western Area Power Administration

(1) Communicates the Department's strategic plan to employees and **integrate** the performance management process into the strategic planning process for the organization.

Response:*Reject***Suggested comment from Emily Mishoe for Headquarters NA****Included comments:****SME anna.valdez@nnsa.doe.gov**

Add section on responsibilities for HR Staff who provide guidance on performance management, including ER issues and recognition.

SME anna.valdez@nnsa.doe.gov

NNSA Exempt. Remove second part of 5.d.(2). Not required.

Suggested comment from Kris McFail for Headquarters OE**Included comments:****SME Theresa.BrownShute@Hq.Doe.Gov**

-->(4) Reviews and approves non-performance monetary and time-off award nomination packages for compliance with this Order as applicable.

So does the Reviewer approve “compliance” but not actually provide approval for the award since that is listed under Heads of Departmental Elements?

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:****SME anna.valdez@nnsa.doe.gov**

Add responsibilities related to reviewing and approval final plan (critical elements and measures) and performance rating.

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

-->(9) Reviews and/or approves non-monetary and time-off award nomination packages for compliance with this Order as applicable.

So does the Rater approve "compliance" but not actually provide approval for the award since that is listed under Heads of Departmental Elements?

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:**

SME anna.valdez@nnsa.doe.gov

f.(1): Change second sentence to: Provides the employee the opportunity to participate, however, the Rating Official has the final decision on the critical elements.

f.(2): The word "the" before 45 days should be "than".

f.(6) Change first sentence to: When departing during the last 90 days of the appraisal period, complete performance rating for each eligible employee that will serve as the rating of record...

f.(8): Add the letter "s" to "Evaluate" and "take" in the second sentence.

SME anna.valdez@nnsa.doe.gov

Add an additional paragraph under Rating Official: "Communicate reconsideration procedures with employees if there is a disagreement on the performance appraisal rating."

Suggested comment from Sara Frey for Western Area Power Administration

(8) Consults with the servicing HR Office prior to developing a Performance Improvement Plan (PIP) when an employee's performance drops to the FME level on at least one critical element. Evaluates ~~s~~ performance at the completion of the PIP and ~~take~~ appropriate action based on the results of the assistance.

6. REFERENCES.**Suggested comment from Emily Mishoe for Headquarters NA****Included comments:**

SME anna.valdez@nnsa.doe.gov

This will be cancelled; should not list as a reference.

Suggested comment from Emily Mishoe for Headquarters NA**Included comments:**

SME anna.valdez@nnsa.doe.gov

Include hyperlinks for all of the references.

7-8. DEFINITIONS; CONTACT**Suggested comment from Emily Mishoe for Headquarters NA****Included comments:**

SME anna.valdez@nnsa.doe.gov

7.b.: Add to the end of the sentence: and provided to the permanent supervisor for use in determining final rating. The advisory rating is not provided to the employee.

Response:

Accept

Changed to: **Advisory Rating:** An unscheduled performance rating that is prepared for an employee who is detailed or temporarily promoted to another position or specific set of duties for 90 days or more, and consists of a rating of each critical element; the advisory rating is completed by the Rating Official of the temporary assignment and provided to the Rating Official of the permanent position for consideration when determining the summary rating.

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

Is "Certification" also going to be a new term in the ePerformance system?

In ePerformance the act of signing the plan is "Acknowledgment." Also, for most managers, the idea of certifying usually applies to approve time and attendance.

Response:

Accept

Language changed: " Certification" (or something else) may replace "Acknowledge" in the future; until an official change is made, we will continue to use "Acknowledge".

Suggested comment from Kris McFail for Headquarters OE

Included comments:

SME Theresa.BrownShute@Hq.Doe.Gov

-->j. **Performance Award: A lump-sum cash or time off award based on a rating of record of Meets Expectations or higher.**

"Time off" added since it is not in the definitions.

Response:

Accept

Time-off added here and in definitions.

Suggested comment from Cecelia Kenney for Headquarters AU

The Definition of the term **Performance Standard** as presented in the Draft Order seems limited in scope and is not clear. The draft DOE O 331.1D defines **Performance Standard** as "Specific occupational and/or safety standards when the performance of occupational and/or safety duties are an essential part of the position." Are there no performance standards for if occupational or safety duties are not part of the position. No Performance standards for managerial or supervisory duties, or environmental duties or accounting duties or administrative duties. DOE O 331.1C did not have a definition for performance standard. If a clearer and more inclusive definition cannot be provided suggest deleting.

AU-20

Response:

Accept with Modifications

Language change to:

(7) Specific requirements (e.g., occupational and/or safety standards) must be in performance plans when the requirements are intrinsic to the duties of the position by way of the position

description, Executive Order or DOE Order. For example: In accordance E.O.13526 and DOE O 475.2B, any employee who has authority to classified information must have a critical element to evaluate the employee's performance in the management of classified information.

Performance standard deleted from definitions.

Suggested comment from Cecelia Kenney for Headquarters AU

In the draft Order, several terms are defined differently from the definitions contained in the *2013 Collective Bargaining Agreement Between Department of Energy Headquarters and the NTEU* (CBA). In some cases these definitions make changes that could be viewed as substantive. For example, as noted in the comment for page 5, the definition of **Rating Levels** no longer includes a "Needs Improvement" rating (this change is also reflected in the "Appraisal (Rating) Process" requirements (paragraph c.(2) on page 5) of the draft Order); and the definition of **Progress Review** specifies "at least one progress review" while the CBA definition calls for "at least two (2) progress reviews.

AU-20

Response:

Reject

Orders/policies are developed in the best interest and for the efficiency of the Department, they are not developed to meet the requirements of a specific CBA (DOE has 13 CBA's, many with their own provisions on any given topic).

Local labor obligations will be met when required and the doctrine of order of precedence would apply where there is a conflict between the CBA provision and the policy. Management is to work with their local labor relations officer when there is a labor issue.

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

r. Not Ratable is not a rating level. It is a notation that the element or plan is not rating due to circumstances beyond the employee's control. Should not be included as a rating level, but should have a separate definition as being a notation...

Response:

Accept

NR removed from rating, and listed as a separate definition.

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

t. Add to the end: Also referred to as a performance rating or summary rating.

Response:

Accept

Language added

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

For DOE's purposes, a share it not related to an increase to base pay; only related to awards. Need to correct definition.

Response:

Accept

Language changed to: Share: A numerical value assigned to each summary level to determine the employee's cash performance award; the share value is determined by dividing the Awards Pool (a percentage of all employee base salaries within a pay pool) by the sum of the employees' aggregate salaries (sum of all employees' salaries within a pay pool)

Major comment from Sara Frey for Western Area Power Administration

w. Share: A percentage increase to base pay; **[This is not an accurate description]**the share value is determined by dividing the Awards Pool (a percentage of all employee base salaries within a pay pool) by the sum of the employees' aggregate salaries (sum of all employees' salaries within a pay pool).

Response:

Accept

Language changed to: Share: A numerical value assigned to each summary level to determine the employee's cash performance award; the share value is determined by dividing the Awards Pool (a percentage of all employee base salaries within a pay pool) by the sum of the employees' aggregate salaries (sum of all employees' salaries within a pay pool)

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

y. Add to the end: Also referred to as a performance rating or rating of record.

Response:

Accept

Language changed to: Summary Rating: The overall rating based on the rating of each critical element that describes an employee's overall performance throughout the appraisal period; it is described using summary levels and is considered the rating of record; it is also referred to as a performance rating or rating of record.

SME anna.valdez@nnsa.doe.gov

z. There is no discussion in the directive on WGI's. Need to add that discussion in appraisal section.

Add to the definition that these step increases are dependent upon the performance rating of record since only employees rated ME or higher can earn step increases.

Major comment from Sara Frey for Western Area Power Administration

x. Summary Level: The numerical value in 5 CFR 430.208 that corresponds to DOE's summary levels. **[Wouldn't this be Rating levels that correspond to numerical value in 5 CFR...]**

Response:

Reject

Rating levels and summary levels are two different things...Rating levels (EE, ME, FME) and NR are used to rate each critical element and summary levels (SE ,EE ,ME, FME) describe the employee's overall performance throughout the appraisal period. The language is correct as stated.

APPENDIX A. SUPERVISORY CRITICAL ELEMENT

APPENDIX B. MONETARY AWARDS SCALE FOR TANGIBLE/INTANGIBLE BENEFITS

Suggested comment from Emily Mishoe for Headquarters NA

Included comments:

SME anna.valdez@nnsa.doe.gov

The monetary and time off scales must mirror each other, otherwise when a nomination comes in with a mixture of cash and time off for the same accomplishment, would not be able to compare the same criteria, (need to compare apples to apples).

SME anna.valdez@nnsa.doe.gov

Recommend both of the awards scales include a statement and example of using a commensurate formula when giving a combination of monetary and time off.

Suggested comment from Cecelia Kenney for Headquarters AU

With the exception of \$120 and \$3100 the other award amounts are in multiples of \$150; could these be typos? AU-10

For Services in the title: On p. 15 of the draft Order, Paragraph 4.g.(2) describes the table in Appendix B as the criteria for monetary levels for Special Act or Service Awards (only--not for On-the-Spot) rewarding the tangible or intangible benefits that accrue from the act or service. If the table were titled "Special Act or Service Awards for Tangible or Intangible Benefits," it would be clearer. AU-10

APPENDIX C. TIME OFF AWARDS SCALE FOR TANGIBLE/INTANGIBLE BENEFITS

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